

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>REHABILITATION CENTER OF<br>ALLISON, IOWA | DOCKET NO. FCU-2012-0019 |
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**ORDER GRANTING, IN PART, AND DENYING, IN PART,  
REQUEST FOR CONFIDENTIAL TREATMENT FILED FEBRUARY 6, 2015,  
AND RESPONDING TO MOTION TO  
REMOVE CONFIDENTIALITY DESIGNATIONS**

(Issued July 1, 2016)

**BACKGROUND**

On December 19, 2014, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed with the Utilities Board (Board) a report (Report) detailing what it learned from an investigation of issues relating to call completion problems experienced by consumers in rural areas of Iowa. In this particular proceeding, the Rehabilitation Center of Allison, Iowa (the Allison facility), filed a complaint with the Board in September of 2012 alleging that the facility was not receiving phone calls and faxes from the Shell Rock Clinic in Shell Rock, Iowa, and the Waverly Health Center in Waverly, Iowa. The facility administrator complained that persons calling the facility had reported that sometimes the facility's phone did not ring or would ring but no one would answer the call. The Board docketed the complaint for further investigation and assigned the matter to its administrative law judge who conducted the proceeding and required the OCA to file a Report.

OCA attached to its Report data response exhibits, including exhibits containing responses from Qwest Communications Company, d/b/a CenturyLink QCC (CenturyLink).<sup>1</sup> OCA filed public and confidential versions of its Report. Certain portions of the Report refer to the data request responses CenturyLink provided to OCA. OCA redacted from the public versions of the Report and exhibits the information designated as confidential by CenturyLink.

**CENTURYLINK'S FEBRUARY 6, 2015,  
REQUEST FOR CONFIDENTIAL TREATMENT**

On February 6, 2015, CenturyLink filed a request for confidential treatment of the information included in OCA's Report and exhibits that the company had designated as confidential. CenturyLink filed its request pursuant to Iowa Code §§ 22.7(3) and (6) and the Board's rule at 199 IAC 1.9(5)(a)(1) and (3). CenturyLink stated the information it designated as confidential was provided to OCA subject to a protective agreement among the parties. According to CenturyLink, it gave the information to OCA hoping to answer questions raised by the Board when docketing this case for formal proceeding.

CenturyLink argued the information qualifies for protection from public disclosure as trade secrets under Iowa Code § 22.7(3) or as a report to a governmental agency which, if released, would give advantage to competitors and serve no public purpose, under Iowa Code § 22.7(6). CenturyLink also asserted that

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<sup>1</sup> During the pendency of this proceeding, Qwest Communications Company, LLC, d/b/a CenturyLink QCC, underwent an internal reorganization approved by the Iowa Utilities Board in SPU-2014-0002 and received approval of a name change to CenturyLink Communications, LLC, in SPU-2014-0008.

much of the information is protected under Customer Proprietary Network Information (CPNI) rules enacted by the Federal Communications Commission (FCC) at 47 U.S.C. § 222.

Instead of referring to specific parts of OCA's Report, CenturyLink identified the information for which it sought confidential treatment and reasons for doing so using the following categories: (a) contracts or templates of contracts (public disclosure of which CenturyLink argued would give intermediate carriers an advantage in negotiating contracts with CenturyLink); (b) trouble tickets opened by CenturyLink to address customer complaints (CenturyLink did not object to revealing the number of trouble tickets, but argued the tickets contain confidential CPNI or network routing information, public disclosure of which would give competitors an advantage and pose a risk to network security); (c) routing data and the identity of intermediate carriers (public disclosure of which would give competitors and intermediate carriers an economic advantage in negotiations and pricing and pose a network security issue); (d) financial impact of contract terms, including the financial impact of removing certain carriers from the routing tables (public disclosure of which would give other carriers a competitive and economic advantage); (e) confidential filings made with the FCC, which include information about the company's long-distance network and use of intermediate carriers (public disclosure of which would give advantage to competitors and serve no public purpose); (f) performance metrics of intermediate carriers (public disclosure of which would give advantage to

competitors and could compromise network security); and (g) network management information, which the company states it maintains as confidential for competitive purposes and network security purposes (public disclosure of which would disadvantage the company and customers).

CenturyLink disputed OCA's assertion that the public should have access to the information the company designated as confidential. CenturyLink asserted it is most important for customers to know how to recognize call completion problems, how to report such problems, and who to notify if problems occur. In support of the request for confidential treatment, CenturyLink attached the affidavit of Mary M. Retka, CenturyLink's Director of Network Policy.

**OCA'S FEBRUARY 20, 2015, PARTIAL RESISTANCE AND  
MOTION TO REMOVE CONFIDENTIALITY DESIGNATIONS**

On February 20, 2015, OCA filed a partial resistance to the request for confidential treatment and a motion requesting an order removing the confidentiality designations from certain redacted portions of OCA's Report. OCA did not resist CenturyLink's request for confidential treatment for the confidential exhibits. OCA resisted the request for confidential treatment of the redacted portions of the following paragraphs and footnotes in the OCA Report: Paragraphs 14-25, 34, 38, 40, 44, 46-48, 57, 62, 68-71, 83 and 85; and Footnotes 8-10, 14, 21-22, 24-25 and 35.

OCA observed that CenturyLink did not specify the portions of the Report it requested be given confidential treatment, but asserted instead that everything

redacted by OCA should be treated as confidential. OCA suggested CenturyLink could have culled unnecessary confidential designations when submitting data request responses to OCA or when filing its request for confidential treatment with the Board.

OCA objected to the request for confidential treatment because there is a presumption of openness and disclosure. OCA argued that the failure of calls to complete is a significant issue of interest to the public that should be addressed in public filings. OCA argued that CenturyLink did not justify making all redacted sections of the Report confidential and that customers affected by the outcome of this proceeding should have access to the information. OCA cited *Iowa Film Production Services v. Iowa Dep't of Economic Development*, 818 N.W.2d 207, 222-24 (Iowa 2012) to argue that CenturyLink must offer specific allegations to support its request for confidential treatment.

With respect to CenturyLink's assertion that much of the information designated as confidential is subject to CPNI rules, OCA stated it attempted to avoid referring in the Report to CPNI by leaving out the telephone number to which a call was attempted, the "destination telephone number." OCA also stated that CenturyLink did not refer to any specific examples of CPNI in the Report.

OCA argued that CenturyLink's assertion that the most important information for customers is who to contact in the event of call failures is not an appropriate standard. According to OCA, one purpose of these proceedings is to find ways to

prevent call failures; transparency gives companies involved in call routing an incentive to complete calls and thus is part of a solution. OCA explained that in preparing its Report, it redacted the information designated as confidential as required by the protective agreement. Once the Report was filed with the Board, however, it became a public document and CenturyLink must prove the redacted information qualifies for confidential treatment.

With respect to the specific information for which CenturyLink seeks confidential treatment, OCA disputed CenturyLink's assertion that public disclosure of routing information would give CenturyLink's competitors an advantage in negotiations and pricing, emphasizing that because the routing sequence changes on an ongoing basis, the routing sequence used in 2012 is not likely to provide current competitive advantage.

In response to CenturyLink's assertion that the company takes great measures to protect routing information from disclosure, OCA countered that CenturyLink had not maintained the confidentiality of the identity of its intermediate carriers, citing to several places in the record of the other pending call completion cases where the identity of intermediate carriers used by CenturyLink was disclosed without objection from CenturyLink.<sup>2</sup>

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<sup>2</sup> See OCA's February 20, 2015, partial resistance to request for confidential treatment, p. 8, n. 4, in which OCA identifies various places in the public record of this and other call completion proceedings where the identities of intermediate carriers were revealed without a corresponding request for confidential treatment from CenturyLink.

OCA also disputed CenturyLink's assertion that routing practices should be confidential to ensure network security, arguing that CenturyLink failed to offer facts in support of the assertion. With respect to the redacted materials that are based on the content of trouble tickets, OCA argued that the fact that a trouble ticket involved a specific intermediate carrier or that a particular carrier was removed from the routing sequence does not constitute a trade secret. OCA also stated that CenturyLink did not identify any specific CPNI.

#### **CENTURYLINK'S MARCH 20, 2015, REPLY**

On March 20, 2015, CenturyLink filed a reply to OCA's partial resistance. CenturyLink reasserted its general position that under the broad reading of the term "trade secret" in Iowa Code § 550.2(4), the information designated as confidential in this case is the type of information businesses do not release without a compelling reason and which qualifies for protection from public disclosure. In support, CenturyLink cited *Economy Roofing & Insulating Co. v. Zumaris*, 538 N.W.2d 641, 646-47 (Iowa 1995); *EFCO Corp. v. Symons Corp.*, 219 F.3d 734, 741 (8<sup>th</sup> Cir. 2000); and *US West Communications, Inc. v. Office of Consumer Advocate*, 498 N.W. 2d 711, 714 (Iowa 1993). CenturyLink also argued that the types of service that a customer subscribes to and how such service is technically provided falls within the definition of CPNI in 47 U.S.C. § 222(h)(1).

In response to OCA's argument that public disclosure of the disputed information is necessary for the development of solutions to call completion

problems, CenturyLink argued that disclosure of the information, which is highly technical, is not likely to lead to public understanding of the call completion problems.

CenturyLink provided a supplemental affidavit of Mary Retka addressing some of the parts of the Report for which it sought confidential treatment. CenturyLink also modified its February 6, 2015, request for confidential treatment by waiving its claim for confidential treatment of certain portions of Paragraph 14, Paragraph 24, Paragraphs 34, 40, and 44, Footnote 22, Paragraph 46 and 48, and Paragraph 57. CenturyLink offered the following statements in support of the parts of its request for confidential treatment which had not been waived:

**Paragraph 14:** CenturyLink waived its request for confidential treatment of the names of two former carriers CenturyLink used to carry traffic. CenturyLink argued the other redacted portions of this paragraph contain proprietary information about the routing of traffic on the company's network. CenturyLink asserted it carefully guards this information from public disclosure and that disclosure of the information would give competitors an advantage in negotiations and pricing.

**Paragraphs 15 – 16, 18 – 21, and Footnotes 8, 9, and 10:** CenturyLink explained that the redacted portions of these paragraphs and footnotes contain information about the number of trouble tickets which involved reported call failures on calls attempted to the Allison facility and the number of trouble tickets involving reported failures of calls attempted to other telephone numbers not at issue in this proceeding. CenturyLink did not object to disclosure of the number of trouble tickets



but did object to disclosure of the content of those tickets. CenturyLink stated these sections describe the contents of trouble tickets, the company's process for investigating a problem, and the identity of underlying carriers. CenturyLink stated it does not disclose CPNI such as how a customer is served, which Primary Interexchange Carrier a customer has selected, or the name and telephone number of the customer.

**Paragraphs 22 – 23, 25, 38 and 68, and Footnotes 14 and 21:** CenturyLink argued the redacted portions of these paragraphs and footnotes contain confidential routing information, network routing practices, and tables identifying specific routing of intermediate carriers. CenturyLink argued it takes care to maintain the confidentiality of this information and its disclosure would give advantage to its competitors. CenturyLink also argued that information about network architecture, including information about how traffic is routed and the process for determining a routing pattern, is a network security issue.

**Paragraph 41:** CenturyLink stated that the redacted portion of this paragraph contains routing information and the identity of an intermediate carrier that is not a party to this case.

**Paragraph 47 and Footnotes 24 – 25:** CenturyLink stated that these portions contain information about performance metrics for intermediate carriers and identify specific intermediate carriers. According to CenturyLink this information about how the company routes traffic and uses intermediate carriers is competitively sensitive

and disclosure would provide the company's competitors with an advantage in negotiations and pricing.

**Paragraph 57:** CenturyLink stated that this paragraph contains information about the company's testing plan for intermediate carriers and includes excerpts of confidential contracts. CenturyLink argued that disclosure of this information would interfere with negotiations and give advantage to any company seeking to serve as an intermediate carrier for CenturyLink.

**Paragraphs 69 – 70 and Footnote 35:** CenturyLink stated that these paragraphs and footnote contain routing data and service metrics for certain intermediate carriers. CenturyLink argued that disclosure of this information would give competitors and intermediate carriers doing business with CenturyLink an advantage in negotiations and pricing.

**Paragraphs 71, 83, and 85:** CenturyLink stated that these paragraphs contain information relating to the company's network management practices. CenturyLink asserted it guards this information for competitive purposes and for purposes of network security.

#### **OCA'S MARCH 30, 2015, SUPPLEMENTAL RESPONSE**

On March 30, 2015, OCA filed a supplemental response and attached a confidential exhibit (Attachment 1) including excerpts from OCA's Report in this and other call completion cases involving CenturyLink. Attachment 1 specified which parts of the reports the parties agree can remain confidential, which parts the parties

agree need not be kept confidential, and the parts which remain in dispute. OCA asserted that almost all of the issues in dispute relate to call routing, the identities of intermediate carriers, the contents of the trouble tickets, and what the company did to respond to the trouble.

OCA pointed out that CenturyLink repeatedly asserted that how it routes its traffic and uses intermediate carriers is information which, if disclosed, would give competitors and intermediate carriers an economic advantage in negotiations and pricing. OCA argued this assertion does not satisfy the standard for establishing that information is a trade secret. According to OCA, under *US West Communications, Inc. v. Office of Consumer Advocate*, 498 N.W.2d 711, 714-15 (Iowa 1993), CenturyLink would need to show hard facts about how disclosure would put the company at a competitive disadvantage.

OCA argued there is no reason that disclosing the identity of intermediate carriers used to route calls, the nature of difficulties experienced when trying to route calls using intermediate carriers, or the number of times it was necessary to remove an intermediate carrier from a route would competitively disadvantage CenturyLink. According to OCA, the call routing processes used by CenturyLink, especially the use of intermediate carriers, are used industry-wide. OCA also argued CenturyLink failed to show facts supporting the assertion that disclosure of the information would jeopardize network security. OCA emphasized that CenturyLink failed to show that the information included in OCA's Report regarding the company's use of

intermediate carriers is a trade secret or otherwise entitled to protection from public disclosure.

## **DISCUSSION**

The Board has reviewed CenturyLink's request for confidential treatment, OCA's resistance and request to remove confidentiality designations, CenturyLink's reply, OCA's supplemental response, and the relevant exhibits and paragraphs in OCA's Report. OCA did not resist CenturyLink's request for confidential treatment of the exhibits CenturyLink designated as confidential. The Board will grant CenturyLink's February 6, 2015, request for confidential treatment of the CenturyLink discovery response exhibits filed by OCA on December 19, 2014, pursuant to the provisions of Iowa Code § 22.7(6).

Nor did OCA resist CenturyLink's request for confidential treatment of the redacted portions of Paragraphs 26, 41, 49-51, 54-55, 58-62, 63-66, 72-76, 78 and 80-81, and 83 and 85 of the Report or Footnotes 31 and 34. The Board will grant CenturyLink's request for confidential treatment of these portions of the Report pursuant to Iowa Code § 22.7(6).

To understand the extent to which CenturyLink's request for confidential treatment is still in dispute, the Board relied on CenturyLink's March 20, 2015, reply (in which CenturyLink waived several parts of its earlier request for confidential treatment) and OCA's March 30, 2015, supplemental response and its Attachment 1,

in which OCA placed brackets around the material designated as confidential by CenturyLink.

The Board will grant or deny the request for confidential treatment of the information based on whether the information in dispute qualifies for confidential treatment under Iowa Code § 22.7(3) as a trade secret or under Iowa Code § 22.7(6) as a report to a government agency which, if released, would give advantage to CenturyLink's competitors and serve no public purpose, as explained below:

**Paragraph 14:** CenturyLink no longer seeks confidential treatment of the information in the first set of brackets, which named two former carriers used by CenturyLink to route long distance calls. CenturyLink does seek confidential treatment of the information in the second set of brackets, which identifies the intermediate carrier CenturyLink used in the call path for the calls involved in this proceeding. CenturyLink has failed to demonstrate that the mere identity of an intermediate carrier used in a call path for calls at issue in this proceeding is proprietary trade secret information or to explain how disclosure of the name of that carrier would advantage competitors and serve no public purpose. The Board will deny CenturyLink's request for confidential treatment of the information in the second set of brackets in Paragraph 14 of OCA's Report.

**Paragraph 15:** This paragraph includes the number of trouble tickets received during a specified period of time based on call completion problems reported by the Waverly Health Center. In its January 6, 2015, request for

confidential treatment, CenturyLink explained “the existence of or number of trouble tickets is not concerning” to the company. CenturyLink is concerned, however, about disclosure of the content of trouble tickets, which CenturyLink explains may contain CPNI or competitively sensitive network routing information. The Board concludes that the specific number of trouble tickets identified in the first set of brackets in Paragraph 15 should be public information. The second set of brackets contains information of a general nature about trouble ticket history, the disclosure of which would not appear to give advantage to CenturyLink’s competitors. Also, the material does not reveal specific information about a particular customer so does not appear to be CPNI.<sup>3</sup> The Board will deny CenturyLink’s request for confidential treatment of the bracketed information in Paragraph 15.

**Paragraph 16:** This paragraph includes more specific contents of trouble tickets relating to failed calls (to numbers other than the one involved in this proceeding) and identifies an intermediate carrier used in those calls. In this context, disclosure of this information about call failures and the identity of an intermediate carrier that is not a party to this proceeding could give advantage to CenturyLink’s competitors and would serve no public purpose. The Board will grant CenturyLink’s request for confidential treatment of Paragraph 16 pursuant to Iowa Code § 22.7(6).

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<sup>3</sup> Similar information appears in the record of this case without a corresponding request for confidential treatment from CenturyLink. For example, in the “Request for Formal Proceeding” filed by OCA in this docket on December 27, 2012, OCA included an excerpt from CenturyLink’s response to the complaint filed by the Allison facility. That response included similar NPA NXX information and was not designated as confidential.

**Paragraph 17, Footnotes 8 and 9:** This paragraph and Footnotes 8 and 9 contain information about trouble tickets for attempted calls to the Allison facility that preceded the complaint filed in this case. The bracketed material describes the subject of previous trouble tickets involving attempted calls to the facility in question, identifies known characteristics of call completion problems, and identifies an intermediate carrier that presumably is an affiliate of a party to this proceeding. In this context, CenturyLink has not shown how disclosure of this information would give advantage to CenturyLink's competitors and not serve a public purpose, where the subject of this proceeding is call completion difficulties experienced by the complainant. The Board will deny CenturyLink's request for confidential treatment of the bracketed materials in Paragraph 17 and Footnotes 8 and 9.

**Paragraph 18:** This paragraph contains information about a trouble ticket for an attempted call to the Allison facility that preceded the complaint filed in this case. The bracketed material describes the subject of previous trouble tickets involving an attempted call to the facility in question, identifies known characteristics of call completion problems, and identifies an intermediate carrier that is not a party to this proceeding. In this context, where the subject of this proceeding is the history of call completion difficulties experienced by the complainant, CenturyLink has not shown that the information is a trade secret or how disclosure of this information would give advantage to CenturyLink's competitors and not serve a public purpose. The Board will deny CenturyLink's request for confidential treatment of the bracketed materials

in Paragraph 18, except for the identity of the intermediate carrier that is not a party to this proceeding. The identity of that carrier qualifies for confidential treatment under Iowa Code § 22.7(6).

**Paragraph 19 and Footnote 10:** This paragraph contains specific information about the trouble ticket opened to address the call completion problems reported to the Board by the Allison facility in September of 2012. The bracketed material contains information about the content of that trouble ticket, including the nature of the problem experienced by complainant, what appears to be a reference to how the company investigated the problem, and, in the footnote, specific details about what the call records show. In this context, where the subject of this proceeding is call completion difficulties experienced by the complainant, CenturyLink has not shown that the information is a trade secret or how disclosure of this information would give advantage to CenturyLink's competitors and not serve a public purpose. The Board will deny CenturyLink's request for confidential treatment of the bracketed materials in Paragraph 19 and Footnote 10.

**Paragraph 20:** This paragraph appears to be OCA's summary of information provided by CenturyLink regarding the history of trouble tickets and the company's response to call completion problems. CenturyLink has not shown that the redacted information is a trade secret or how disclosure of the information would give advantage to CenturyLink's competitors and not serve a public purpose. The Board will deny CenturyLink's request for confidential treatment of the bracketed material in



Paragraph 20, except for the identity of the intermediate carrier that is not a party to this proceeding. The identity of that carrier qualifies for confidential treatment under Iowa Code § 22.7(6). The two other carriers named in the last sentence of Paragraph 20 are either an affiliate of a party to this proceeding or a carrier that did not object to public disclosure of its identity.<sup>4</sup>

**Paragraph 21:** This paragraph addresses a permanent change to the routing tables made by CenturyLink made in response to the problems at issue in this proceeding. The bracketed material provides specific competitively sensitive information about the routing change, i.e., internal business practices, and constitutes trade secret information. The Board will grant CenturyLink's request for confidential treatment of the bracketed material in Paragraph 21 pursuant to Iowa Code § 22.7(3).

**Paragraph 22, Footnote 14:** This paragraph includes more information about the routing tables used by CenturyLink. The bracketed material provides information about CenturyLink's specific routing practices, i.e., internal business practices, and the effect of the routing change discussed in Paragraph 21. The bracketed material in Footnote 14 provides specific information about the position of a particular intermediate carrier in the routing table. The bracketed material constitutes trade secret information. The Board will grant CenturyLink's request for confidential

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<sup>4</sup> See CenturyLink and OCA's November 25, 2013, joint withdrawal of filings related to confidentiality of certain information filed in this proceeding.

treatment of the bracketed material in Paragraph 22 and Footnote 14 pursuant to Iowa Code §22.7(3).

**Paragraph 23:** This paragraph contains a chart showing the positions in a routing table of several intermediate carriers. The names of the intermediate carriers are included in brackets. In this context, where the chart shows the position of each intermediate carrier in the routing sequence, the names of the intermediate carriers constitute trade secret information. The Board will grant CenturyLink's request for confidential treatment of the bracketed material in Paragraph 23 pursuant to Iowa Code § 22.7(3).

**Paragraph 24:** CenturyLink waived its objection to disclosure of the word "automated" to describe its routing processes. The request for confidential treatment of this word is moot.

**Paragraph 25:** This bracketed material in this paragraph contains specific details about the position in the routing table of a particular intermediate carrier. In this context, this information about network routing practices constitutes trade secret information. The Board will grant CenturyLink's request for confidential treatment of the bracketed material in Paragraph 25 pursuant to Iowa Code § 22.7(3).

**Paragraphs 34, 40 and 44, Footnote 22:** CenturyLink waived its objection to disclosure of the bracketed materials in these sections of the OCA's Report. The request for confidential treatment of this information is moot.

**Footnote 21:** This footnote contains specific information about CenturyLink's routing practices as shown on routing tables. The bracketed material constitutes trade secret information. The Board will grant CenturyLink's request for confidential treatment of the bracketed material in Footnote 21 pursuant to Iowa Code § 22.7(3).

**Paragraph 38:** This paragraph contains general statements about how CenturyLink determines the routing of a call and how the company ensures that an attempted call completes. CenturyLink has not established that this information is entitled to protection from public disclosure as a trade secret or as a report to a government agency which, if released, would give advantage to competitors or serve no public purpose. The Board will deny the request for confidential treatment of Paragraph 38.

**Paragraph 39:** The redacted portion of this paragraph specifies the number of intermediate carriers with which CenturyLink had contracts that carried or may have carried traffic to the Allison facility. This specific number appears to be competitively sensitive information the release of which could give advantage to competitors and serve no public purpose. The Board will grant the request pursuant to Iowa Code § 22.7(6).

**Paragraph 47, Footnote 24:** The information in the bracketed sections of this paragraph specify the number of times particular intermediate carriers were removed by CenturyLink from an intrastate route in Iowa based on a trouble report regarding a call completion problem. The Board will grant CenturyLink's request for confidential

treatment of this information pursuant to Iowa Code § 22.7(3). This appears to be competitively sensitive information about the company's response to call completion problems.

Footnote 24 identifies one of the intermediate carriers from Paragraph 24 and provides limited information about the carrier's acquisition by another carrier. Standing alone (without reference to the number of times CenturyLink removed the carrier from the routing tables), the identity of this carrier is not confidential information. The Board will deny the request for confidential treatment of Footnote 24.

**Paragraphs 46 and 48:** CenturyLink waived its objection to disclosure of the bracketed materials in these paragraphs. The request for confidential treatment of this information is moot.

**Footnote 25:** This footnote contains information about CenturyLink's response to call completion problems and steps taken with respect to certain intermediate carriers. The Board will grant CenturyLink's request for confidential treatment of the second and third sentences of Footnote 25 pursuant to Iowa Code § 22.7(3). This appears to be competitively sensitive information about the company's response to call completion problems. The Board will deny the request for confidential treatment of the first sentence. CenturyLink has not established that the information in the first sentence is entitled to protection from public disclosure as

a trade secret or as a report to a government agency which, if released, would give advantage to competitors or serve no public purpose.

**Paragraph 57:** CenturyLink waived its objection to disclosure of the bracketed materials in this paragraph. The request for confidential treatment of this information is moot.

**Paragraph 68:** The bracketed material in this paragraph contains information about CenturyLink's conclusions about the involvement of a particular intermediate carrier in call completion problems. This paragraph names the intermediate carrier that has not objected to public disclosure of its identity. In this paragraph, OCA discusses in general terms CenturyLink's conclusions about an investigation into a call failure and the role of the intermediate carrier. This information does not qualify for confidential treatment under either Iowa Code § 22.7(3) or § 22.7(6). The Board will deny CenturyLink's request for confidential treatment of Paragraph 68.

**Paragraph 69 and Footnote 35:** The bracketed material in Paragraph 69 and Footnote 35 address the specific number of times particular intermediate carriers were removed from call routing. This appears to be competitively sensitive information about the company's response to call completion problems. The Board will grant CenturyLink's request for confidential treatment of this information pursuant to Iowa Code § 22.7(3).

**Paragraph 70:** The bracketed material in this paragraph addresses action taken by CenturyLink in response to trouble tickets. This competitively sensitive

information relates to the company's internal processes for responding to call completion problems. The Board will grant CenturyLink's request for confidential treatment of this information pursuant to Iowa Code §22.7(3).

**Paragraph 71:** Paragraph 71 consists of competitively sensitive information relating to CenturyLink's internal processes for responding to call completion problems. The Board will grant CenturyLink's request for confidential treatment of this information pursuant to Iowa Code §22.7(3).

Based on the Board's decisions with respect to CenturyLink's request for confidential treatment, OCA's motion for an order removing the confidentiality designations from the redacted portions of OCA's Report is accordingly granted, in part, and denied, in part.

## **ORDERING CLAUSES**

### **IT IS THEREFORE ORDERED:**

1. The request for confidential treatment filed by Qwest Communications Company, d/b/a CenturyLink QCC, on February 6, 2015, is granted, in part, and denied, in part, as discussed in this order.
2. The information for which confidential treatment is granted shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)(b)(3).
3. Pursuant to 199 IAC 1.9, CenturyLink shall have 14 days from the date of this order to initiate court action to prevent disclosure of the information for which confidential treatment is denied, if it so chooses.

4. The motion to remove confidentiality designations filed by the Office of Consumer Advocate on February 20, 2015, is granted, in part, and denied, in part, as discussed in this order. Within 21 days of the date of this order, Consumer Advocate shall file revised versions of its Report on Investigation to reflect confidentiality designations based on this order.

**UTILITIES BOARD**

/s/ Geri D. Huser

ATTEST:

/s/ Trisha M. Quijano  
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 1<sup>st</sup> day of July 2016.